



Photos taken in vicinity of  
Cahuilla Ranger Station

# Chapter 1 Introduction



## **CHAPTER 1.0**

# **INTRODUCTION**

The Bureau of Land Management (BLM) has prepared this Draft Environmental Impact Statement (DEIS) to analyze the potential environmental impacts resulting from the revision and updating of the Recreation Area Management Plan and Environmental Assessment for the Imperial Sand Dunes (BLM, 1987). A revised recreation area management plan (RAMP) would provide direction and guidance on the management of land use and resources of the Imperial Sand Dunes Recreation Area (ISDRA) that would be consistent with current public needs and resources status. Implementing a revised RAMP would also constitute an amendment to the California Desert Conservation Area (CDCA) Plan, in accordance with BLM planning regulations (43 Code of Federal Regulations [CFR] 1610.3-2). This DEIS is prepared in accordance with National Environmental Policy Act (NEPA) of 1969, as amended, the President's Council on Environmental Quality Guidelines for the implementation of NEPA, and the BLM NEPA Handbook (H-1790-1). The BLM is the lead agency for this DEIS, and maintains primary responsibility for compliance with NEPA for actions on federal lands it manages. In addition, the BLM is responsible for consulting with the United States Fish and Wildlife Service (USFWS) to ensure that the Alternative 2 complies with the Endangered Species Act (ESA). The USFWS is a cooperating agency under NEPA.

The ISDRA, which comprises the largest mass of sand dunes in California, is located in Imperial County. The ISDRA is recognized as a world-class off-highway vehicle (OHV) recreation area because of the outstanding opportunities it presents for OHV recreational activities (BLM, 1987). It is one of the most popular OHV areas in the western United States, as evidenced by over 3 million OHV visitor-use days that occur annually at the ISDRA (BLM, 2001). In addition, the ISDRA provides unique habitat for several endemic and sensitive plant, insect, and animal species.

The ISDRA provides outstanding recreation opportunities for OHV recreation to the Southern California region and vicinity. To fulfill its obligations under Federal Land Policy Management Act (FLPMA) and under the Endangered Species Act (ESA) (see Section 1.3 of this DEIS), the BLM must manage recreational use such that the conditions of special-status species, and other unique natural and cultural resources, are maintained or improved. The FLPMA directs that the BLM's management of public lands emphasize "multiple use and sustained yield unless otherwise specified by law" and that "public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental.... Values" (43 U.S.C. 1701 Sec. 102(a)(7)(8)). The type and level of OHV use, in particular, must

also be carefully managed to create an environment that promotes the health and safety of visitors, employees, and nearby residents.

Continued population growth in Southern California and the expanding popularity of OHV recreation has resulted in a steady increase in demand for outdoor recreation at the ISDRA. From 1985 to the present, the number of visits to the ISDRA has roughly tripled (BLM, 1987 and 2001a).

Proportionate to the increase in visitation is the increase in frequency of trespass in the North Algodones Dunes Wilderness and on private lands, which has resulted in conflicts among OHV enthusiasts, landowners, and concerned members of the public. Growing attendance also underlies, in part, the increased incidence of law enforcement violations.

This DEIS is organized in five chapters. The remainder of Chapter 1 describes the purpose and need for revising and updating the 1987 RAMP, project setting, regulatory context, project objectives, and scoping activities. Chapter 2 describes the alternatives (including the No Action and the action alternatives). The Affected Environment is described in Chapter 3, and Chapter 4 addresses and analyzes the environmental impacts of the alternatives (including the No Action Alternative). Cumulative Impacts are addressed in Chapter 5. Chapters 6, 7, 8 and 9 provide information on document authors, contacts, a glossary, and references.

## 1.1 PURPOSE AND NEED

As noted in BLM Manual 8322, a recreation area management plan....

“identifies the management actions to be implemented to achieve recreation related decisions.... (and) is the link between the allocation of land for recreation use in the multiple-use planning process and the actions necessary to implement such allocations.” (BLM Manual 8322.05A; parentheses added).

### 1.1.1 Purpose

The purpose of revising the 1987 Recreation Area Management Plan (RAMP) is to develop a comprehensive and detailed management plan consistent with conditions and guiding statutes as they exist at the ISDRA in the early 21st Century. A revised RAMP that updates the 1987 RAMP would be designed to provide a variety of sustainable OHV and other recreational activities, and to maintain or improve the conditions of the special-status species and other unique natural and cultural resources, while creating an environment to promote the health and safety of visitors, employees, and nearby residents. The purpose and need of the BLM’s proposed action is to:

- Specify what levels of visitor activities can be provided for motorized vehicle use in the ISDRA while maintaining the habitat requirements for special-status species, conserving cultural resources, providing reasonable consideration for other important natural resources, while providing for

the health and safety of visitors, nearby residents, employees and other service providers in the ISDRA.

- Institute measures to achieve desired visitor use levels, maintain habitat requirements for special-status species, conserve cultural resources, provide reasonable consideration of other important natural resources and provide for the health and safety of visitors, nearby residents, employees and other service providers in the ISDRA. A revised RAMP would establish criteria for modifying those measures or instituting additional measures if needed in the future based on levels of visitor use and the conditions and trends of special-status species, cultural resources and important natural resources.
- Identify the type and level of visitor services, including unique areas and facilities needed to support desired visitor use. For services to be provided by BLM, costs for these services will be identified; and a fee system will be established so that the appropriate level of visitor services can be provided in an efficient, cost-effective manner.
- Guide the management of the ISDRA beginning in October 2002. A recreation area management plan is normally revised every 10 years, but may continue to be used for up to 15 years. Revised plans may be amended or revised at any time if the BLM State Director determines that conditions in the ISDRA have changed beyond those anticipated by a revised Recreation Management Plan, or if monitoring or project-level environmental analysis indicate a need for a change in management direction.
- Establish priorities. Management area allocations, actions, monitoring and evaluation requirements constitute a statement of BLM's intended direction. Projected outputs, services and rates of implementation are contingent upon obtaining funding, including grants, agreements and the annual budgeting process.

### **1.1.2 Need**

The need to revise the ISDRA Recreation Area Management Plan is based on changes that have occurred since 1987 that have implications for and indicate the need to revise management approaches at the ISDRA. The ISDRA offers outstanding recreational opportunities for OHV recreation in the California Desert District. To fulfill its management obligations under federal regulations, the BLM must manage OHV use so that the conditions of the special-status species, and other unique natural and cultural resources are maintained or improved. The type and level of OHV use also must be managed to create an environment that promotes the health and safety of visitors, employees, and nearby residents.

Since the previous Recreation Area Management Plan was written in 1987, several of the projects identified in that plan have been implemented. Of the projects that were not implemented, some are no longer feasible. Therefore, it

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is critical for the BLM to revisit some of the past decisions and determine whether or not new courses should be charted.

In addition, since 1987 several regulatory changes have taken place that relate to the ISDRA. The USFWS listed the Peirson's milk-vetch as a federally threatened plant. The flat-tailed horned lizard has been proposed as federally threatened by USFWS. Public Law 103-433 designated the North Algodones Dunes Wilderness in 1994. Public Law 103-433 released Wilderness Study Area (WSA) 362 from further studies concerning its suitability for wilderness designation. Analyzing this new information may lead to different management decisions in the future.

Southern California's continued population growth in the urban and nonurban areas and shifting demographic patterns have increased the demand for outdoor recreation at the ISDRA and nearby areas. Related to the increased demand, the problem of trespass in the North Algodones Dunes Wilderness and private lands (both within and adjacent to the Area) has traditionally created conflicts between OHV enthusiasts, landowners and concerned members of the public. It continues to be a management challenge to encourage appropriate recreational use, discourage inappropriate use, while respecting the freedom of visitors to enjoy the ISDRA.

On the basis of the purpose and need for this action and on the issues, concerns, and opportunities that were identified during the public scoping process (see Section 1.4.2), the BLM will establish long-term goals that describe desired conditions to be achieved during the implementation period of a revised RAMP.

## 1.2 SETTING

### 1.2.1 Regional Location

The ISDRA is located in Imperial County, in southeastern California approximately 25 miles west of the Colorado River and immediately north of the border between the United States and Mexico. This area is shown in Figure 1-1, Regional Vicinity. Access to the ISDRA is provided primarily by State Route (SR)-78 in the north, and Interstate (I)-8 in the south. The town of Brawley is located approximately 25 miles to the west, and the City of El Centro is located 40 miles southwest. The small settlement of Glamis is located within the ISDRA where SR-78 crosses the Union Pacific (formerly the Southern Pacific) Railroad (UPRR). East of the ISDRA are the Cargo Muchacho Mountains and Chocolate Mountains. This area includes the Chocolate Mountain Aerial Gunnery Range, which is used by the U.S. military for target practice. The Salton Sea is located approximately 25 miles northwest of the ISDRA.

### 1.2.2 ISDRA Plan Area

The Plan Area for the evaluation conducted in this DEIS encompasses the ISDRA and a buffer management area. The ISDRA comprises approximately 227,000 acres of land in California, covering an area more than 40 miles long and averaging 5 miles in width. The regional setting of the ISDRA is shown

in Figure 1-1. Of this total acreage of ISDRA (approximately 208,000 acres are managed by BLM; 16,000 acres are privately owned; 1,700 acres are owned by the United States military; and 900 acres are owned by the State of California). The dunes are bordered on the west by the Coachella Canal, which delivers Colorado River water to the agricultural industry of the Imperial Valley to the north and west. A major route of the UPRR traverse the eastern edge of the ISDRA. SR-78 divides the northern third of the ISDRA from the southern portion. Interstate 8 traverses the southern portion of the ISDRA. Ogilby Road runs north-south between SR-78 and I-8 along the southeast portion of the ISDRA. The ISDRA Plan Area is shown in Figure 1-2.

### 1.2.3 Topography

The dune system of the ISDRA is situated on a relatively flat plain that has an elevation of approximately 50 feet above sea level. On the west, the plain is referred to as the East Mesa because it is east of the Imperial Valley. On the east, the plain is called Pilot Knob Mesa. The dunes reach heights of 300 feet above the plain and include classic examples of several different types of dunes. The sands are believed to originate largely from the eroded beaches of ancient Lake Cahuilla. The beaches themselves are remnants from times when the Colorado River temporarily was diverted from its southward course, and emptied into the Salton Trough, forming ancient Lake Cahuilla. Unlike some major dune systems that have formed next to a mountain range as a result of blocking topography, the Imperial Sand Dunes (also known as the Algodones Dunes) have formed primarily as a result of opposing seasonal winds. Winter winds come from the northwest, but often reverse to the southeast in summer. The stronger winter winds bring sands from the Salton Trough, and appear to be slowly pushing the dune system southeastward.

Largely as a result of the dominance of northwesterly winds, the east and west portions of the dune system differ substantially in character. West side sands are composed of material that is generally heavier and coarser than the lighter, finer sands carried further east and south by the prevailing winds. The coarse sands form the largest, tallest dunes, located in the western two-thirds of the dune system and constitute the “primary dunes.” The tallest dunes are found toward the center of the overall dune mass, in the eastern half of the primary dune area. East of the primary dunes are the “secondary dunes,” smaller dunes composed of finer sands and having more vegetation cover.

### 1.2.4 Climate

The ISDRA is located in a desert region of long, hot summers; mild winters; low rainfall; low relative humidity; and a high percent of sunny days. Summer daytime temperatures routinely exceed 105 degrees Fahrenheit (°F). Annual precipitation fluctuates widely but averages just over 2 inches. Winter daytime highs are in the 60°F to 70°F range from December through March, and freezing temperatures are rare. Winter winds approach from the northwest. Summer winds are more variable, but often blow from the southeast.

### **1.2.5 Visitor Use Patterns**

Visitation to the ISDRA has increased dramatically since 1987. Data from 1987 Recreation Area Management Plan indicate that approximately 225,900 visits were made to the ISDRA in 1985. In comparison, visits to the ISDRA during the last 2 years have averaged more than 750,000 visits per year. Visitor use patterns are discussed throughout Chapters 3 and 4 of this DEIS as they pertain to the affected environment and environmental impacts.

## **1.3 RELATIONSHIP TO POLICIES, PLANS, AND PROGRAMS**

Implementation of a revised management plan for public lands is subject to numerous laws and regulations, and well as a general requirement for consistency with pre-existing and applicable plans. The following sections summarize the most pertinent policies, plans, and programs that affect planning processes at the ISDRA.

### **1.3.1 Federal Land Policy Management Act**

The Federal Land Policy Management Act (P.L. 94-579, 90 Stat. 2743, 43 U.S.C. 1701 et seq.) provides the BLM with an operating mandate to emphasize the concepts of multiple use and sustained yield. Section 202(c) of FLPMA requires the BLM to “use and observe the principles of multiple use and sustained yield” in developing land use plans for public lands. Multiple use is a concept that directs public lands and their resource values be managed in a way that best meets the present and future needs of the people of the county. Multiple use involves “a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources...” (FLPMA, Section 103). Sustained yield is “the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the public lands consistent with multiple use” (FLPMA, Section 103). The BLM is directed by FLPMA to manage sustained yield consistently with multiple use. The California Desert Conservation Area (see Section 1.3.2) was created through Section 601 of FLPMA.

### **1.3.2 California Desert Conservation Area Plan**

The CDCA encompasses 25 million acres of land in Southern California that was designated by Congress in 1976 through FLPMA. The BLM directly administers about 10 million acres of the CDCA. With the designation of the CDCA, Congress directed the BLM to prepare and implement a comprehensive, long-range plan for the management, use, development, and protection of public lands within the CDCA. The 1980 CDCA Plan, as amended, is based on the concepts of multiple use, sustained yield, and maintenance of environmental quality. The CDCA Plan provides overall regional guidance for management of the public lands in CDCA, and establishes long-term goals for protection and use of the California Desert. The CDCA Plan establishes four multiple-use classes, multiple-use class guidelines, and plan elements for specific resources or activities such as motorized-vehicle access, recreation, and vegetation. These multiple-use classes (MUCs) are:

- **Class C (Controlled):** About 4 million acres are Class C. These include 69 wilderness areas totaling 3,667,020 acres created by Congress with the October 1994 passage of the California Desert Protection Act (CDPA). These lands are to be preserved in a natural state; and access generally is limited to Non-Motorized, nonmechanized means (i.e., by foot or horseback).
- **Class L (Limited Use):** About 4 million acres are Class L. These lands are managed to protect sensitive, natural, scenic, ecological, and cultural resource values. They provide for generally lower-intensity, carefully controlled multiple uses that do not significantly diminish resource values.
- **Class M (Moderate Use):** About 1.5 million acres are Class M. These lands are managed in a controlled balance between higher-intensity use and protection. A wide variety of uses such as mining, livestock grazing, recreation, energy, and utility development are allowed. Any damage that permitted uses cause must be mitigated.
- **Class I (Intensive Use):** About 500,000 acres are in Class I. These lands are managed for concentrated use to meet human needs. Reasonable protection is provided for sensitive natural values, and mitigation of impacts and rehabilitation of impacted areas will occur when possible.

The CDCA also includes a designation for Areas of Critical Environmental Concern (ACEC) to protect sensitive cultural and natural resources. The ISDRA includes three ACECs. Plank Road, located in the southern portion of the ISDRA, is a historic cultural resource protected by an ACEC. East Mesa near Gordon's Well was designated an ACEC to protect habitat for the flat-tailed horned lizard (*Phrynosoma mcallii*), which is proposed for listing under the federal ESA as a "threatened" species. The Gold Basin-Rand Intaglios, located on the eastern edge of the ISDRA Plan Area, has unique prehistoric cultural resources values protected by an ACEC.

Since 1980, the CDCA Plan has been amended periodically to reflect changing conditions, including the acquisition of new knowledge relating to natural resources, and to update management strategies. Among these amendments is the 1987 ISDRA RAMP.

### **1.3.3 California Desert Protection Act**

The California Desert Protection Act of 1994 (P.L. 103-433) created new wilderness areas on federal lands in the CDCA, changed the status of several former monuments and preserves to national parks, and created several special designations for wildlife sanctuaries and areas of critical environmental concern. The enactment of the CDPA formally established 32,240 acres in ISDRA as the North Algodones Dunes Wilderness area.

Prior to passage of the CDPA, BLM studied both the North Algodones and South Algodones WSAs of the ISDRA for possible wilderness designation under section 603 of the Federal Land Policy and Management Act. On January 3, 1989, Senator Alan Cranston proposed these WSAs, along with



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69 other areas of the CDCA, to be designated as wilderness in Senate Bill 11 (S-11). The bill did not pass and was reintroduced by Senator Feinstein in 1993 as Senate Bill 21. Senator Feinstein, in a February 23, 1994, correspondence to her Senate colleagues asking for their support of the Bill, stated that she wanted to "... drop the entire 61,630 acre South Algodones Dunes from the bill to allow vehicle use." On October 31, 1994, the CDPA was signed into law. The Act designated as wilderness the 32,240 acre North Algodones Dunes to be managed by BLM as a part of the National Wilderness Preservation System. No wilderness was designated for the South Algodones in the Act. Congress also indicated in the CDPA that the South Algodones Dunes WSA had been adequately studied for wilderness designation pursuant to Section 603 of FLPMA, and would be released from WSA status. Since conditions relating to the wilderness values of the South Algodones Dunes have not changed since the 1994 Act, BLM will not review the area under Section 201 or 202 of FLPMA.

### **1.3.4 1987 Recreation Area Management Plan and Environmental Assessment**

The ISDRA was designated first by a management plan adopted in 1972. A Recreation Area Management Plan was adopted in 1987 and included management prescriptions for the following:

- Recreation opportunities
- Safety/emergency services/visitor protection
- Resource protection
- Protection of wilderness suitability
- Public contact and interpretation
- Facility development
- Operations and maintenance
- Concessions and vendors
- Access easements and land acquisitions
- Compatibility of land uses

Because of budgetary considerations and environmental factors, portions of the 1987 RAMP have not been implemented. The 1987 Environmental Assessment (EA) for this management plan analyzed potential environmental consequences resulting from implementation of the plan, and three other alternative management programs for the ISDRA. The 1987 Recreation Area Management Plan is outdated and will be fully replaced by the new RAMP.

### **1.3.5 Interim Closures/ Temporary Camping Closure**

Although BLM has received biological opinions from the USFWS on selected activities, further consultation is required on the overall CDCA Plan to address the cumulative impacts of all the activities authorized by the CDCA Plan. In the absence of consultation on the entire CDCA Plan, the impacts of individual activities, when added together with the impacts of other activities in the California Desert, are not known. The BLM entered into negotiations with plaintiffs (Center for Biological Diversity, and others) for establishing interim actions to be taken to provide protection for endangered and threatened species pending completion of USFWS consultation on the CDCA Plan in total. Agreement on these interim actions avoided litigation of the

plaintiffs' request for injunctive relief and the threat of an injunction prohibiting all activities authorized under the Plan. These interim agreements have allowed BLM to continue to authorize appropriate levels of activities throughout the ISDRA Plan Area during the lengthy consultation process to provide appropriate protection to listed species in the short term.

By taking interim actions, as allowed under Part 43 of the Code of Federal Regulations (43 CFR Subpart 8364), the BLM contributes to the conservation of endangered and threatened species in accordance with Section 7(a)(1) of the federal ESA. The BLM also avoids making any irreversible or irretrievable commitment of resources that would foreclose any reasonable and prudent alternative measures that might be required as a result of the consultation on the CDCA Plan in accordance with Section 7(d) of the ESA.

On November 3, 2000, a legal stipulation respecting the Peirson's milk-vetch (*Astragalus magdalenae* var. *peirsonii*), designated as threatened under the ESA became effective and five parcels in the ISDRA were closed to motorized vehicle use. The closure boundaries are identified by sign posts and identified in the Amended Stipulation and Order Concerning Injunctive Relief for the Peirson's Milk-Vetch, Case No. C-00-0927 WHA-JCS. Four closure areas were named, while the fifth parcel was unnumbered, but was described as the Patton Valley Area. These areas are delineated in Figure 1-3, and total approximately 49,000 acres.

On October 18, 2001, the legal stipulation respecting the desert tortoise (*Gopherus agassizii*), also designated as threatened under the ESA, became effective; and a temporary camping closure on approximately 25,600 acres of desert tortoise habitat within the ISDRA was approved. The camping closure is located east of Glamis and the UPRR (see Figure 1-3). As with other ISDRA management directions, the camping restriction does not apply to private lands within the closure area, nor does it restrict the use of motorized vehicles on existing routes of travel otherwise allowed by the CDCA Plan and 1987 RAMP.

### **1.3.6 Northern and Eastern Colorado Desert Coordinated Management Plan**

The Northern and Eastern Colorado (NECO) Desert Coordinated Management Plan area is adjacent to the ISDRA but does not overlap the ISDRA, except in the eastern side of the Buffer Zone Management Area. The NECO Plan addresses several issues including: (1) recovery of the desert tortoise, (2) conservation of the variety of other species and habitats, and (3) public lands access and uses. The NECO Plan provides a wide range of actions that relate primarily to land use allocations and on-the-ground actions. The BLM will coordinate management decisions so that the management of the ISDRA areas that are adjacent or adjoining the NECO areas is consistent, whenever practical.

### 1.3.7 Other Plans and Programs

The following plans and programs are directly or indirectly applicable to the planning process at ISDRA. An updated recreation area management plan will take these plans and programs into account, and incorporate appropriate elements:

- Wilderness Implementation Strategy (WIS), August 31, 1999. This strategy will continue to be used to manage the North Algodones Wilderness Area of the ISDRA.
- National Management Strategy for Motorized Off-Highway Vehicle Use on Public Lands (January 2001).
- State Implementation Plan For  $PM_{10}$  in the Imperial Valley, Executive Summary, Final (1993). The ISDRA falls within the Salton Sea Air Basin, which is classified as a nonattainment area for particulate matter with a diameter less than 10 micrometers ( $PM_{10}$ ) based on federal Clean Air Act standards. Planning efforts at ISDRA will be consistent with the State of California Air Quality Implementation Plan.
- County of Imperial General Plan (1996): This plan seeks to direct growth, particularly urban development, to suitable areas in Imperial County.
- California Desert District Business Plan Recreation Fee Demonstration Project. This plan will be utilized in the development of fees.
- Algodones Dunes Habitat Management Plan (1987). An updated Recreation Area Management Plan will amend this document and will take precedence in management decisions.
- Wildlife Habitat Protection Program. An updated Recreation Area Management Plan will supplement this plan.
- Imperial County Emergency Medical Services ALS/BLS Treatment Protocols, as Amended. The BLM provides basic life support in the ISDRA following this plan.
- Interpretive Plan for the El Centro Resource Area (1991). This document provides a framework for interpretative services and development on public lands in the El Centro Resource Area. The ISDRA interpretative services will be developed in accordance with this plan.
- Law Enforcement Special Evaluation, Law Enforcement in the California Desert (2000)
- El Centro Law Enforcement Plan. This plan establishes general guidelines for law enforcement for the El Centro Field Office.
- Mineral Resources of the North Algodones Dunes Wilderness Study Area (1984).

- Plank Road Areas of Critical Environmental Concern Management Plan (1985).
- Desert Tortoise Recovery Plan, U. S. Fish and Wildlife Service. The ISDRA is within the range of the desert tortoise but is not within critical habitat or any existing or proposed reserve area.
- Flat-Tailed Horned Lizard Range-wide Management Strategy (1997).
- Volunteer Opportunities with the Bureau of Land Management in the El Centro Resource Area.

### **1.3.8 Endangered Species Act**

The ESA provides for the federal protection of threatened plants, insects, fish, and wildlife. The USFWS administers the ESA on behalf of the United States. The major components of the ESA include:

- Provisions for the listing of threatened and endangered species
- The requirement for consultation with USFWS on federal projects
- Prohibitions against the taking of listed species
- Provisions for permits to allow incidental taking of threatened and endangered species

As noted previously, a revised RAMP will be reviewed by USFWS in accordance with Section 7 of the ESA. Under Section 7, the BLM is required to consult with the USFWS to ensure that any actions authorized, funded, or carried out are not likely to “jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modifications of lands determined by USFWS to be ‘critical habitat’.”

Consultation with USFWS is discussed above under Section 1.4.3.

## **1.4 CONSULTATION AND COORDINATION**

### **1.4.1 Public Scoping Meetings**

The scoping process for the project was designed to solicit input from stakeholders, the public, and other interested parties on the issues related to the development of a revised RAMP. The BLM initiated the public involvement in 1998. Subsequent public involvement activities most recently were conducted in September 2001.

The BLM conducted three public planning meetings and seven public scoping meetings between June 1998 and February 2000 to solicit input from the public. Three subsequent scoping meetings were conducted during September 2001. The meetings were held at the following locations and dates. The number of attendees at each meeting is noted in parentheses (where available):

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| <u>Initial Public Planning Meetings</u>   | <u>Initial Public Scoping Meetings</u>           | <u>Subsequent Public Scoping Meetings</u>                         |
|---|--|---|
| 1) San Diego, California<br>June 16, 1998 | 1) Yuma, Arizona<br>January 10, 2000             | 1) El Centro, California<br>(50 attendees)<br>September 6, 2001   |
| 2) Phoenix, Arizona<br>June 22, 1998      | 2) Long Beach,<br>California<br>January 12, 2000 | 2) Phoenix, Arizona<br>(300 attendees)<br>September 25, 2001      |
| 3) Anaheim, California<br>June 30, 1998   | 3) Cahuilla, California<br>January 14, 2000      | 3) San Diego, California<br>(400 attendees)<br>September 27, 2001 |
|   | 4) Phoenix, Arizona<br>January 25, 2000          |   |

The initial Notice of Intent (NOI) to Prepare an EIS pursuant to NEPA was published in the *Federal Register* on October 10, 2001. A subsequent NEPA NOI was published for the additional scoping meetings conducted in September 2001. Additional notification of the action was provided by publishing public notices in newspapers of general circulation. The public scoping meetings were advertised in seven local newspapers: Imperial Valley Press, Desert Sun, San Diego Union Tribune, Los Angeles Times, El Sol del Valle, Arizona Republic and The Yuma Daily Sun. Other tools used to communicate with interested parties include “The Dunes Newsletter” and postcard announcements of meeting dates and the NOI publication. A copy of the Notice of Availability (NOA) for this DEIS is in Appendix A.

### 1.4.2 Issues, Concerns, and Oppor- tunities

An initial step in developing the revising a management plan involves identifying relevant issues, concerns, and opportunities using input obtained from public scoping meetings to determine management program goals, in this case for the ISDRA. The 1987 RAMP was used as a reference point to begin identifying these concerns, and the BLM used these concerns in conjunction with desired future conditions (discussed below in Section 1.4.3), to develop the management measures that form the basis for the alternatives assessed in this DEIS (See Chapter 2). The issues raised by the public include questions on the level of recreational use, OHV recreation management, loss of available OHV recreation areas in the CDCA Plan area, air quality, facility development, and other topics.

The following 16 issues, concerns, and opportunities are captured as a series of questions and responses, and will be carried forward by the BLM in the development of a revised management plan for the ISDRA:

1. What level or levels of recreation setting will be provided at the ISDRA?

The ISDRA can provide a wide variety of outdoor settings. Currently, the majority of the area is an undeveloped setting where recreational enthusiasts can engage in activities that are not dependent on facilities and experience a moderate level of self-reliance and risk. Natural resources in these areas have not been modified to accommodate human use. About 25 percent of the ISDRA is in a more developed setting where many of the activities are based at or near facilities. Natural resources in these areas have been significantly modified to accommodate human use. There are currently no guidelines to direct the development, or lack of development, of any of the areas associated with the ISDRA. Public opinion varies as to what range of settings should be accommodated at the ISDRA.

2. How will OHV recreation be managed in relation to resources and other recreational activities, including safety?

Federal regulations (43 CFR 8340.0-2) requires that BLM protect the resources of the public lands, promote the safety of all users of those lands, and minimize conflicts among the various users of those lands. Both advocates and opponents of OHV use are concerned about how to manage this activity to minimize impacts on other resources and to be compatible with other recreational activities. The concern focuses around the issues of public health and safety resulting from crowding in some OHV areas, saving camp spots, and dumping of gray water and litter. There are also concerns with quiet times, camp area speed limits, and the general unruliness of some dunes enthusiasts. Finally, there is a more general concern about the potential adverse effects of OHVs on plants, wildlife, geologic resources and other elements of the ISDRA environment.

3. How much facility development and access is appropriate for the ISDRA?

This issue addresses the suitability of the area to accommodate additional camp pads, contact stations, roads, etc. A revised RAMP will provide a description of the facility development anticipated in the next 10 years.

4. How often, where, and what should vendors/concessionaires be allowed to operate on public land in the ISDRA to best serve the needs of the public?

This issue addresses the vendor program in the ISDRA. A revised RAMP will limit vendors and concessionaires in the ISDRA to those that provide food, goods, or services that support OHV use and camping.

5. How much impact are the tour buses having on the facilities at the ISDRA and should there be compensation for that use?

There has been a notable increase in visitation to ISDRA by commercial tour buses since the 1987 RAMP was completed. Since the reconstruction of the Osborne Overlook access road and the installation of the pit toilets at the Buttercup Campground, several commercial tour bus companies regularly

stop and utilize the facilities. Identification of these companies is difficult due to staffing levels and uncontrolled access to the ISDRA. For both areas, the BLM manages and maintains roads with commercial vehicle weight limits. It is undetermined if the tour bus traffic significantly increases the level of maintenance and repairs required for the roads and restrooms. It is also undetermined if there are any recreational or resource conflicts.

Federal regulations, (43 CFR 2930 and 8370) address issuance of permits for recreation on public lands. These regulations allow the BLM to issue permits to manage recreational use, reduce recreational and resource conflicts, and to receive a return for commercial uses of public lands.

6. How will the BLM conserve the unique natural resources of the ISDRA in an area managed for OHV use?

The Endangered Species Act of 1973 (ESA) and the California Endangered Species Act (CESA) provide for protection of federal or state listed species on public lands in California. The BLM consults with the U.S. Fish and Wildlife Service and the California Department of Fish and Game (CDFG) on actions that may affect listed species, such as a revised RAMP. The listed and sensitive species identified in the area are described below.

The Algodones Dunes are home to five special-status plant species: the Peirson's milk-vetch, which is listed as threatened under the ESA and endangered under CESA; the Algodones Dunes sunflower, which is listed as endangered under CESA; Wiggins croton, which is listed as rare by the State of California; and sandfood and giant Spanish needle, which are considered rare and endangered, respectively, by the California Native Plant Society (CNPS).

One federally proposed lizard species, the flat-tailed horned lizard occurs in relatively low densities at the ISDRA. The Colorado Desert fringe-toed lizard, a former federal candidate species and BLM-sensitive species, is abundant at the ISDRA, especially in active dunes and psammophytic scrub. Additionally, the federally and state listed threatened desert tortoise probably occurs in the microphyll woodlands on the east side of the ISDRA, as does the Gila woodpecker, a state listed endangered species. Additionally, the BLM sensitive Couch's spadefoot toad probably occurs in the microphyll woodlands on the east side of the ISDRA. The toad is also a state species of concern.

The creosote bush scrub and microphyll woodland habitats adjacent to the ISDRA probably contain the BLM sensitive species, the burrowing owl, which is also a state species of concern. The loggerhead shrike, LeConte's Thrasher and Yuma mountain lion, all species of concern, also occur at the ISDRA. Additionally, three poorly known beetle species, all BLM-sensitive species, occur at the ISDRA: Andrew's dune scarab beetle, Hardy's dune beetle, and Carlson's dune beetle.

A revised RAMP will provide for conservation of these species through the North Algodones Dunes Wilderness Management Area that covers 21 percent of the ISDRA, and the Adaptive Management Area covering 23 percent of the ISDRA. These areas will conserve species by reducing vehicle mortality and habitat degradation within their boundaries. They also incorporate large areas of microphyll woodland, active dunes, psammophytic scrub, and creosote bush scrub within their boundaries, to ensure that each plant community and its associated wildlife have adequate conservation.

7. What level of information and resource interpretation should be provided at the ISDRA?

This issue addresses the type of interpretive materials (signs, brochures, etc.) that should be available to the public to better inform them about the critical resources and regulations of the ISDRA.

8. How will education, law enforcement, and other techniques be used to ensure compliance with laws and regulations at the ISDRA?

Federal regulations Title 43CFR Part 8340.0-2 directs BLM to protect the resources of the public lands, to promote the safety of all users of those lands, and to minimize conflicts among the various users of those lands.

An ever-increasing visitor population during the high use season has created larger crowds in the camping and riding areas. Along with this, there seems to be an increase in irresponsible visitors who act without regard to the consequences to themselves or others. The need to develop an educational program to raise the level of awareness of the rules, regulations, and safety concerns was identified by the public. The need to develop better ways of disseminating information to visitors through the use of the Internet and partnerships with the various user groups and businesses that focus on the ISDRA was also identified.

The increase in violence and serious injuries already negatively affects the average ISDRA user. The goal is to increase the amount of law enforcement on an as-needed basis. BLM will work with local and regional law enforcement agencies to develop a permanent and flexible solution. Yearly monitoring of all violations and resource impacts resulting from noncompliance will assess the effectiveness of the enforcement. This monitoring will serve as a basis for adjusting the amount of law enforcement officers needed and the tactics that are used. The focus of the enforcement would be directed at the more serious problems and the goal is to increase the quality of use enjoyed at the ISDRA.

BLM will identify other options available to aid in the implementation of the education and enforcement process such as visitor involvement, alternative forms of punishment for certain violations, crowd-size limitations, area curfews, and limiting alcohol use will be considered. The various user groups will assist in providing peer volunteers and provide safety rule and regulation



information programs. Some options to encourage compliance include court-ordered community service and litter cleanups in lieu of fines. This type of program may serve as an alternate form of education and punishment. Crowd-size limitations and area curfews may help to reduce the amount of people in the ISDRA and disturbances after hours. The use of alcohol limitation may improve behavior and reduce litter concerns.

9. What is considered to be the Visitor Supply at the ISDRA? Is it being exceeded and, if so, what actions should be taken?

This issue addresses the number of visitors that are coming to the ISDRA. The visitor supply will be determined by use of the Recreation Opportunity Spectrum (ROS). The ROS is a system that provides guidelines to manage recreational opportunities, available facilities, and visitor supply. This tool will allow BLM to manage the ISDRA based on the type of recreation experience that is desired for a specific area. BLM will manage the ISDRA so that the ROS classification is met 50 percent of the time. If visitation exceeds the supply, management actions can be taken.

10. How much motorized trespass is occurring in the North Algodones Dunes Wilderness Area, what impacts are occurring, and how can it be eliminated?

Motorized trespass continues inside the wilderness area, but it is not known at what levels. This issue will look at what areas are being used to illegally enter the wilderness area and at what levels it is occurring. Several options to stop illegal motorized trespass will be evaluated.

11. What management actions should be utilized for legal motorized access afforded the Border Patrol, California Department of Fish and Game, and other law enforcement agencies to the North Algodones Dunes Wilderness?

The enabling legislation that designated the North Algodones Dunes Wilderness Area was the CDPA. This Act allows for continued motorized use by the CDFG to monitor and maintain their wildlife guzzlers inside the wilderness area. The CDPA also allows U.S. Border Patrol to continue their operations inside the wilderness area. Although these uses are allowed, they have an impact on the wilderness values of solitude and naturalness. This Draft RAMP will discuss at what levels these uses will be allowed and how the impacts can be mitigated, while accomplishing the goals of all agencies involved.

12. What is the future for the Fee Demo program?

The Fee Demo Program began in the ISDRA on January 1, 1999, as authorized by Congress through the BLM's appropriation process. There has been controversy over the program since its inception. Responding to public criticism, the BLM entered into a Memorandum of Understanding (MOU) with the California Department of Parks and Recreation Off-Highway Motor

Vehicle Recreation Division, and the California Off-Highway Motor Vehicle Recreation Commission. This MOU expired on September 30, 2000. In support of this MOU, a technical review team (TRT) was created to provide input about how the collected funds should be spent in the ISDRA. It is expected that the TRT will be reorganized to allow additional public input in the fee demo program.

The 2002 fiscal year Department of the Interior (DOI) appropriations bill extends the Fee Demo test program through September 2002. This is the fourth extension of the original expiration date. It is unknown at this time how many more times it will be extended or if it will become permanent legislation. Currently, the future of the Fee Demo Program across the U.S., including the ISDRA, depends upon the continued reauthorization of this legislation by Congress.

13. How will priorities be set with potential budget reductions from “green sticker” and allocated dollars?

In past years, partnerships with the State of California Off-Highway Vehicle Commission and Division have provided a substantial amount of financial support to the ISDRA. Current regulations are making those dollars increasingly more difficult to obtain, causing concern for future programs at the ISDRA. Creative financing solutions will be developed for those programs and/or development projects that warrant continuation. Actions to determine which programs and projects are carried forward will also be developed.

14. How will potential/partial closure of the ISDRA to recreational use affect OHV users, vendors and the communities who base their livelihood and income on OHV activities?

The economic effects of the recreational use of the ISDRA were considered in the development of the alternatives in the DEIS. One of the reasons that the Adaptive Management Area was developed was to allow as much recreational use as possible without having a negative effect on the biological and cultural resources in the ISDRA.

15. At what level are noxious weeds occurring within the ISDRA Plan Area? What measures can be taken to reduce or eliminate them?

The area has known scattered infestations of saltcedar (*Tamarix ramosissima*), leafless tamarisk (*Tamarix aphylla*), Sahara mustard (*Brassica tournefortii*), cheat grass (*Bromus tectorum*), and extensive areas of schismus (*Schismus barbatus*). Infestations of saltcedar occur in the pockets of the eastern dunes where water collects following rainstorms. Large leafless tamarisks are present north of SR-78 near Glamis. The east side of the wilderness area contains very heavy infestations of Sahara mustard in microphyll woodland, desert dry wash woodland, and creosote bush scrub habitats. The mustard has

also been sighted near the Buttercup off-ramp between the freeway and the frontage road.

Weeds can be eliminated with herbicide applications on a limited scale. Larger-scale removal is not possible due to the large size of the ISDRA and funding limitations. In the future exotic plant removals will focus on areas with severe infestations that are of high biological value. Eradication of exotics over the majority of the ISDRA is not a feasible goal. In the future, biological controls may become available for some of these species that would allow wide-scale control. However, at this time, these methods are not available.

16. How can air quality standards in the ISDRA be met?

The Glamis area has intermittently poor air quality resulting from smog and agricultural burning in the nearby Imperial and Mexicali Valleys. The ISDRA Plan Area is located within Imperial County, which is entirely a nonattainment area for ozone, and partially a nonattainment area for PM<sub>10</sub>. This situation is exacerbated on holiday weekends in the fall and winter. At these times, large numbers of OHV and motor homes arrive in the Glamis area, creating extensive quantities (large clouds) of airborne dust particles and hydrocarbon emissions. Air quality stations will be installed at regular intervals both inside and outside the ISDRA to gather quantifiable data on the impact of OHVs on air quality. After the effects can be determined, appropriate corrective actions, if any, can be developed.

17. Can the loss of OHV opportunities throughout the CDCA Plan Area be mitigated?

Since the inception of the CDCA Plan in 1980, the demand for areas open to OHV recreational use has increased. At the same time, other management objectives on BLM-managed lands have constrained access to some of the areas used historically for OHV recreation. (For example, OHV use areas have been closed to protect sensitive biological resources.) In revising the 1987 RAMP, the action assessed in this DEIS pertains specifically to BLM-managed lands at the ISDRA. In this context, the BLM will revise the 1987 RAMP to address this concern by analyzing the opportunity to provide camping in alternate areas if camping is closed in more sensitive areas. In addition, a revised RAMP for the ISDRA will not result in the closure of other dunes areas in the desert Southwest.

### 1.4.3 Desired Future Conditions/ Management Goals and Objectives

In addition to the identification of issues identified by the public, the BLM's planning process included a RAMP Working Group, comprising representatives from the environmental and OHV communities, the BLM, and Imperial County staff. This Working Group developed a list of desired future conditions to assist planners in identifying goals and objectives for the ISDRA during the next 10 to 15 years. The desired future conditions also provide the basis for comparing the relative merits of each action alternative (see Chapter 2 of this DEIS). The following summarizes the goals and management objectives that guide the BLM in the development of the alternatives and the identification of Alternative 2, which is presented in See Section 2.1.2.2:

- Goal 1 - Provide a variety of sustainable OHV and other recreational activities
- Goal 2 - Maintain or improve conditions of the special-status species and other unique natural and cultural resources
- Goal 3 - Create an environment to promote the health and safety of visitors, employees, and nearby residents by working with local, state, and federal agencies and interest groups

Certain goals and objectives in managing the ISDRA are provided through FLPMA and the CDCA Plan. Since its designation, the ISDRA has been managed according to mandates set forth in both the 1980 CDCA and 1976 FLPMA. Among FLPMA's requirements is the following:

“the use of all California desert resources can and should be provided for in a multiple use and sustained yield management plan to conserve these resources for future generations, and to provide present and future use and enjoyment, particularly outdoor recreation uses, including the use, where appropriate, of off-road recreational vehicles...” [Title VI. SC1781. Sec. 601 (a)(4)].

Management objectives for MUCs have been formulated in the CDCA Plan to stipulate whether and how intensely different areas may be used for recreational purposes (refer to Section 1.3.2). Because these MUCs are legally binding, unless amended through the public process, the BLM must manage the ISDRA according to MUC prescriptions.

### 1.4.3 Agency Consultation

Prior to implementation of an updated management plan, formal consultation with the USFWS will occur to determine impacts to species listed as threatened or endangered under the federal ESA. Species that are known to occur, or have the potential to occur at the ISDRA, which are listed as threatened under the federal ESA, are the Peirson's milk-vetch, flat-tailed horned lizard, and desert tortoise.

Pursuant to Section 7 of the ESA, the USFWS will provide a Biological Opinion of the Preferred Alternative, based on an analysis of that alternative documented in a Biological Assessment (Appendix B). (The Preferred Alternative is discussed in the introduction to Chapter 2 of this DEIS). On the

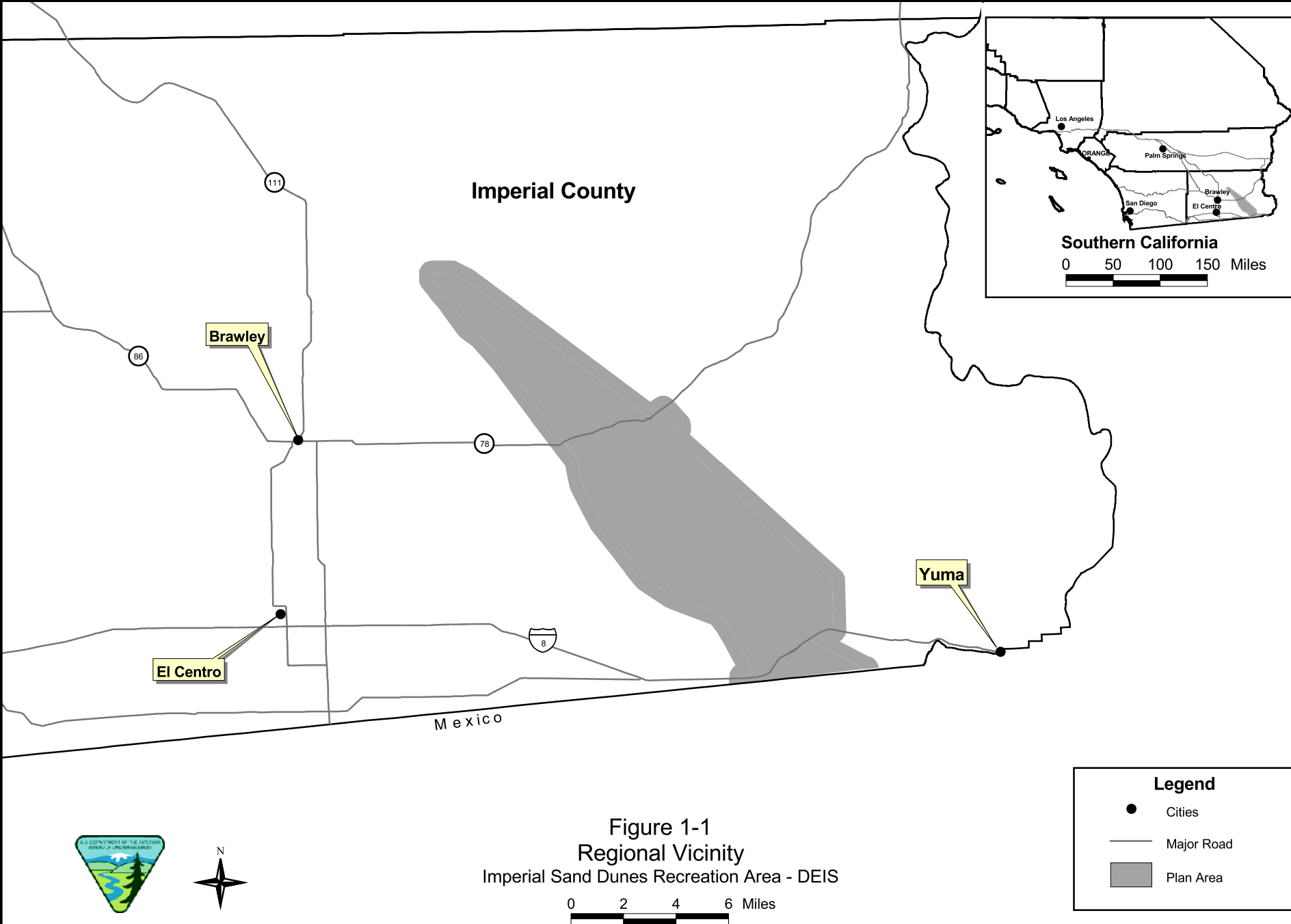
basis of a review of the Biological Assessment, the USFWS will issue a Biological Opinion of the Preferred Alternative. If the USFWS determines that the impact of the Preferred Alternative would not threaten the continued survival of a listed species, they may grant approval of the project through issuance of a “No Jeopardy” opinion. Alternatively, if implementation of the Preferred Alternative is found to undermine the continued survival of one or more listed species, the action cannot move forward without additional mitigation and/or changes to the proposed parameters.

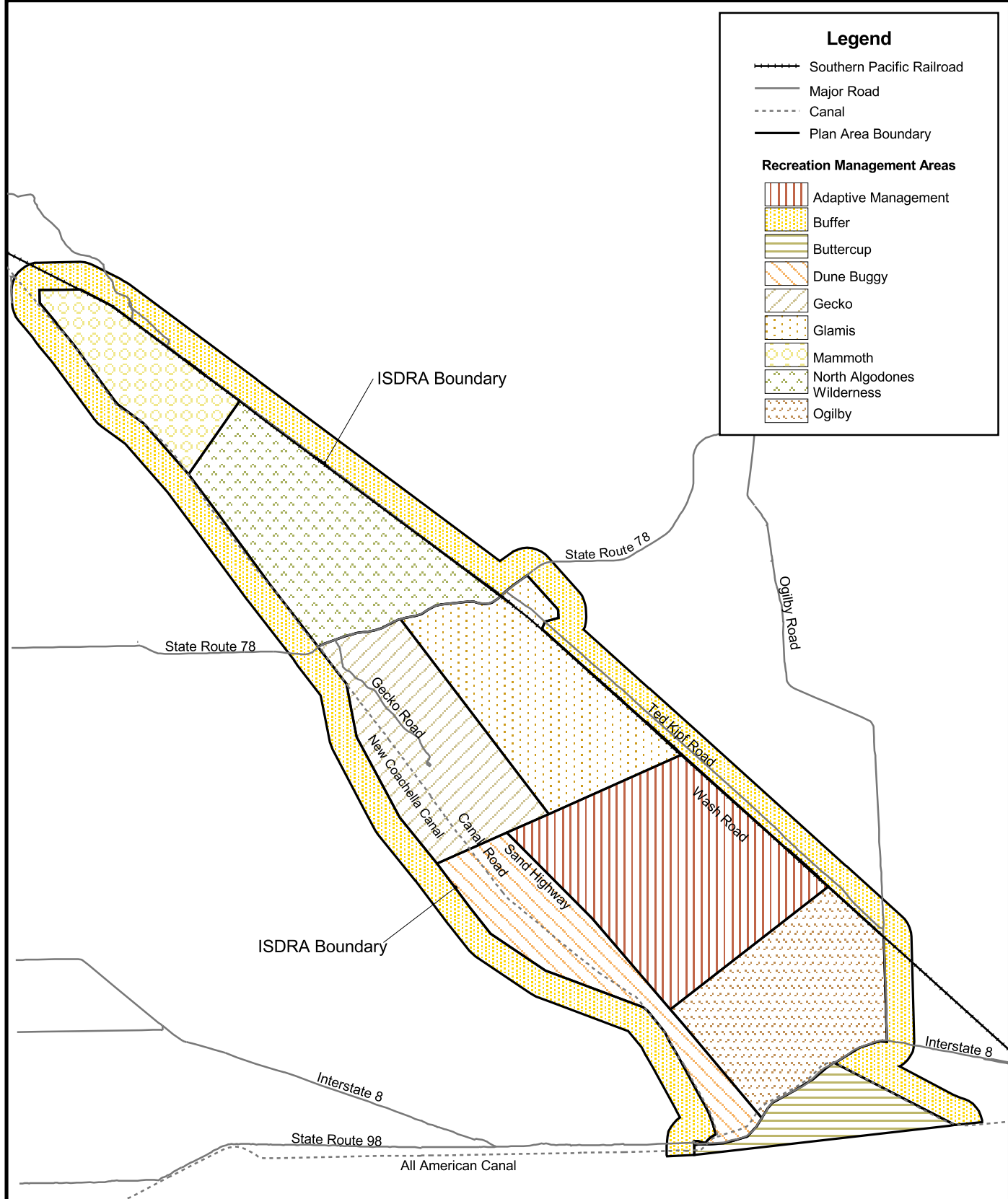
### **1.5 AUTHORIZING ACTIONS**

Prior to implementation of the Preferred Alternative, a Record of Decision (ROD) must be issued in accordance with NEPA. A ROD provides a written record explaining why the lead agency (BLM) has taken a particular course of action. Issuance of the ROD would allow the BLM to move forward in amending the CDCA Plan with an updated recreation area management plan. The amendment of the CDCA Plan would then allow for implementation of the management actions described in the recreation area management plan.

Other federal agencies with jurisdiction at the ISDRA could also be required to approve the Preferred Alternative. As noted above in Section 1.3.8, approval is subject to Section 7 of the ESA. Therefore, implementation of a revised recreation management plan is contingent upon the issuance of a “No Jeopardy” opinion from USFWS. None of the action alternatives is anticipated to affect any waters of the United States under the jurisdiction of the United State Army Corps of Engineers (USACE) and, therefore, would not be subject to Section 404 or 401 of the Clean Water Act.

Because no discretionary actions are currently required at the state or local level, implementing the Preferred Alternative would not require review under the California Environmental Quality Act (CEQA). Future management actions associated with implementation of a revised RAMP, however, could require approval from state and/or local agencies. If it is determined that these actions are subject to CEQA, appropriate environmental documentation would be prepared in accordance with the CEQA Guidelines.





**Figure 1-2**  
**ISDRA Plan Area**  
 Imperial Sand Dunes Recreation Area - DEIS



0 2 4 6 Miles

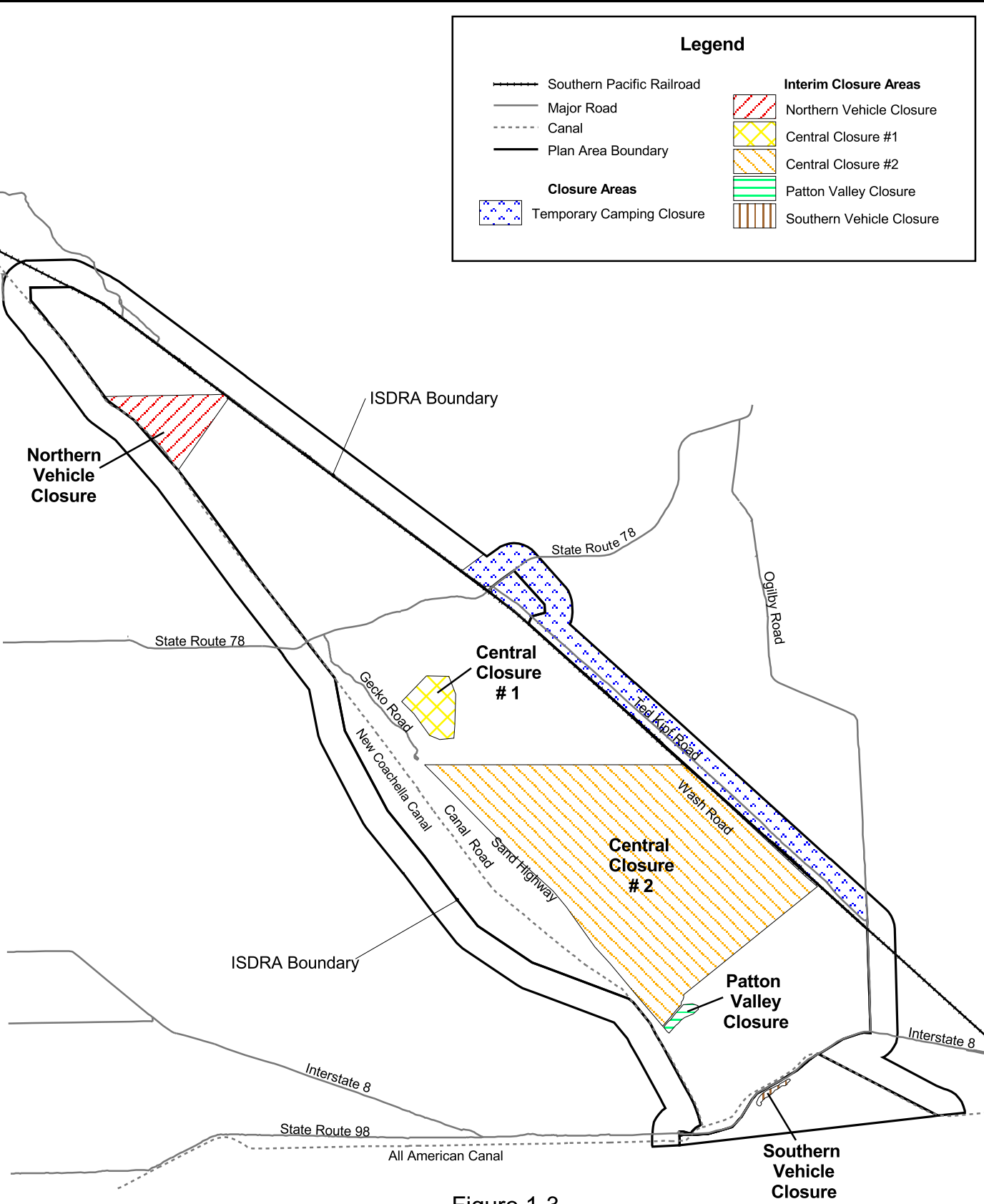


Figure 1-3  
Interim Closure Areas  
Imperial Sand Dunes Recreation Area - DEIS



0 2 4 6 Miles